



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Baker Resource Area
PO Box 947
Baker City, OR 97814



4100
(#3606260)

Notice of Field Manager's Final Decision for Renewal of Grazing Permit Number 3606260

Dear Permittee S:

Background Information:

Congress and the Office of Management and Budget have required, and the Bureau of Land Management (BLM) has made a commitment, that we fully process grazing permit/lease renewals scheduled to expire between 1999 and 2009 by the end of FY 2009, along with implementation of Standards and Guides. The Standards and Guides for Rangeland Health Assessment is the BLM's primary guidance and is found in 43 CFR 4180. The Standards and Guidelines are intended to identify resource concerns and take actions "that will result in significant progress toward fulfillment of the standards" and is found in 43CFR 4180.2(c).

This process included an interdisciplinary (ID) team that analyzed the resource data collected and a review of the potential impacts of the grazing permit in accordance with the National Environmental Policy Act (NEPA). An interdisciplinary team completed the Rangeland Standards and Guides evaluation and prepared the Pritchard Creek Geographic Unit (PCGU) and Pritchard Creek Allotment Assessment, Evaluation and Determination issued July 23, 2007. That document summarized the results of the PCGU rangeland health assessment, evaluation and determination findings and presented recommendations to address related rangeland management issues.

The BLM completed the Proposed Grazing Permit Renewal Actions for Pritchard Creek Geographic Unit and Pritchard Creek Allotment, Environmental Assessment (#OR-030-08-002) December 17, 2007. A public meeting was held; comment letters were received and were utilized to finalize the EA design features common to all alternatives. A Finding of No Significant Impact (FONSI) was signed for this EA #OR-030-08-002. The final Environmental Assessment for PCGU (BLM/OR/WA/AE-07/047+1792) dated March 28, 2008, analyzed four alternatives for management of the allotment. Alternative 4, the proposed action was selected. A proposed decision was issued (April 1, 2008). Protests were received from two individuals on this decision.

After the final EA and proposed grazing decisions were issued, BLM received two protest letters. The protests raised concerns about grazing seasons of use and trend data, the range of alternatives that were analyzed, sage-grouse and its habitat, and water quality. In response to the protests, BLM initiated additional coordination with ODFW to verify sage-grouse lek protection and management actions. BLM subsequently received new sage-grouse data from BLM's Oregon State Office and ODFW that indicated different lek locations from previous data

included in the EA. BLM then modified the EA to accommodate the new data and recommendations from ODFW, as well as clarified sections of the EA to reflect other concerns raised in the protest letters. Also, based on public comment, BLM clarified the proposed action relative to the March 1 - May 15 sage-grouse lek season.

Design Features Common to All Alternatives numbers 20 and 21 were modified to clarify the limitations of livestock use during the sage-grouse lek season. These revised stipulations will also be placed in the final grazing decisions. Alternative 4 has been revised with respect to livestock use between March 1 - May 15. In one out of three years, use is allowed in pastures with leks, but livestock management actions such as riding or moving livestock, will prevent livestock concentration on the leks during the sage-grouse breeding season (March 1 - May 15). Use of natural topography will contribute to the separation between livestock and leks.

Grazing rotations among pastures between April 15 - May 15 have also changed slightly in Alternative 4: Holman pasture changed from three out of four years to one out of three years; Lawrence pasture changed from two out of four years to one out of three years; Upper pasture changed from one out of four years to one out of three years; and White Rock pasture changed from two out of four years to three out of four years. White Rock pasture has no active leks.

Narratives in Alternative 4 description, Wildlife, Vegetation and Rangeland Grazing Use as well as Table 2 were modified to reflect these changes to Alternative 4. Appendix 7 was added to show the grazing seasons of use. No additional or new effects are anticipated from this minor modification to the rotation schedules.

The changes made in the final EA (11/18/08) ensure BLM compliance with the sage-grouse guidelines, and defer grazing in the lek areas by preventing livestock concentrations two out of three years.

Final Decision:

Therefore, under the authority of 43 Code of Federal Regulations (CFR) 4130.2(a), 43 CFR 4130.2(d), 43 CFR 4160.3(b) and 43 CFR 4180, **it is my final decision to renew grazing permit 3606260 for a period of 10 years (3/01/2009 – 2/28/2019).**

The mandatory terms and conditions of the old permit were:

| Allotment # | Number of Livestock | Kind | Begin Period | End Period | Days | % Public Land | Type Use | AUMS |
|-------------|---------------------|--------|--------------|------------|------|---------------|-----------|------|
| 02074 | 150 | Cattle | 05/01 | 07/15 | 76 | 100 | Active | 375 |
| | 150 | | 10/20 | 11/23 | 53 | | | 207 |
| | | | | | | | Suspended | 131 |

The mandatory terms and conditions of the new permit are:

| Allotment # | Number of Livestock | Kind | Begin Period | End Period | Days | % Public Land | Type Use | AUMS |
|--------------------|----------------------------|---------------|---------------------|-------------------|-------------|----------------------|------------------|-------------|
| 02074 | 142 | Cattle | 04/16 | 05/25 | 39 | 100 | Active | 188 |
| | 150 | | | | | | | 306 |
| | | | | | | | Suspended | 219 |

Other terms and conditions of the permit are:

1. All water troughs on the BLM will have wildlife exit ramps installed and maintained.
2. Modifications to the grazing permit may be implemented to protect cultural resources under the National Historic Preservation Act.
3. All range projects must be inspected and maintained prior to turnout of livestock. Failure to properly complete your assigned maintenance in a timely manner will be cause for denial of authorization to either place permitted livestock on the allotment or move into the next pasture of the grazing sequence. You are also required to maintain your proportionate share of range projects whether you graze livestock or take non-use.
4. Use will be made according to the grazing plan and instructions issued.
5. Unless otherwise stated, utilization monitoring standards allow livestock to graze up to 50% on upland grasses, 45% on riparian grasses (herbaceous), and 30% on riparian shrubs. If permittees exceed utilization in any pasture for 2 consecutive years, then their use for that pasture will be suspended in year 3.
6. Your permit is subject to modification as necessary to achieve compliance with the Standards for Rangeland Health and guidelines for livestock management (43 CFR 4180).
7. The standard terms and conditions (see attached permit) which appear on all BLM permits and leases.

Design features apply to land uses and rangeland development actions. The list below includes a combination of measures that are specific to this analysis area. Design features shown below are not a comprehensive list but address topics normally of concern to permittees, the interested public, and participating BLM staff.

1. Implement a range improvement project maintenance schedule to repair and maintain all existing range projects annually. For the first 5 years, complete 20% each year so all projects meet BLM standards. See Appendix 1 for the maintenance schedule and assignments by permittee. The second eleven will be maintained in 2008. Subsequent projects will be assigned one year in advance to the permittees, as identified in Appendix 1 of EA #OR-030-08-002.
2. After 5 years, all projects must be maintained as assigned, prior to authorization of grazing for that year.
3. Implement utilization levels as follows: 50% on upland native bunchgrasses, 45% on riparian herbaceous plants, and 30% on riparian shrub component. If utilization levels indicate that the standard may be exceeded at anytime, the permittee will take action to prevent the standard from being exceeded. This type of action may include moving livestock from the pasture or allotment, shortening the season-of-use, more riding to

move livestock for better distribution, or constructing fences to exclude livestock from the areas of concern. If permittees exceed utilization in any pasture for 2 consecutive years, then their use for that pasture will be suspended in year 3.

4. Based on monitoring results of the above prescriptions, additional changes shall be made as needed to the length of grazing periods and livestock numbers to achieve the S&Gs.
5. Existing rangeland development projects would be maintained or reconstructed as needed, provided ground-disturbing activity occurs within original disturbance area and applicable design features are applied to the action. Existing range improvements will meet BLM requirements as they are maintained (for example, proper wire spacing for wildlife passage, wildlife escape ramps for troughs, etc.).
6. Fall grazing in each pasture should only occur when there is enough water in springs and troughs to supply water for grazing animals. Pritchard Creek and Lawrence Creek, fish bearing streams, should not be relied on for all the watering needs in the pasture. Reduce grazing times in the pastures to eliminate impacts to the fish bearing streams. All new spring developments will have the water sources fenced from livestock grazing.
7. Grazing will not be allowed on areas where vegetation manipulation such as fire, seeding, spraying, or other treatment occurs. Livestock will be deferred either by fencing treated areas, or by resting the treated pasture for two to five growing seasons or until treatment objectives have been met. If a pasture is rested for three growing seasons, cattle use will not be allowed until fall of the third year.
8. Cultural/paleontological and biological (plants and animals) surveys will be completed prior to initiation of all rangeland development projects. Project planning will incorporate funding for cultural resource surveys and any necessary mitigation measures. Where necessary, prior to rangeland development, plant and animal surveys will be completed at the proper season so absence or presence of special status species may be determined.
9. If it is determined that properties potentially eligible for the National Register cannot be avoided by a proposed project, then BLM will identify and evaluate the resource in consultation with the Oregon State Historic Preservation Office and Tribes to a) determine what makes the property potentially eligible or important, and b) determine what mitigation is appropriate. For archaeological properties that are determined potentially eligible for their information content, options for mitigation may include (but are not limited to) further documentation and data recovery (e.g., retrieval, mapping, excavation). For properties which are determined to have traditional and/or religious importance to Tribes, appropriate mitigation would be determined in consultation with the Tribes and Oregon SHPO.
10. When maintenance or reconstruction of existing rangeland development projects occur (such as springs, reservoirs, pipelines or fences) and the existing developments were installed without prior cultural surveys, then cultural surveys will be completed. Priority will be placed on surveys at existing water developments (for example, springs, and

reservoirs). This will allow the BLM to identify sites and retrieve cultural resource information that would otherwise remain unknown. If eligible or potentially eligible archaeological sites with grazing impacts are identified during inventories for project maintenance or reconstruction, mitigation measures would be developed and implemented in consultation with Oregon SHPO and Tribes.

11. Cultural surveys for previously unsurveyed existing rangeland development projects will be accomplished over the next 5 years, in accordance with project maintenance schedules.
12. BLM actions in response to discovery of cultural/paleontological/biological (human, plant, and animal) resources may include a variety of conservation measures to avoid or reduce effects associated with livestock grazing. Conservation measures include (but are not limited to) avoidance, site stabilization, protective enclosure construction, or project relocation, redesign or abandonment. Cultural site evaluation and development of conservation measures will be accomplished in consultation with the Oregon SHPO and Tribes.
13. Existing rangeland management structures such as fences, cattleguards, stock tanks, reservoirs, spring developments, pipeline storage tanks and pipelines may be periodically maintained or reconstructed without further NEPA analysis provided that such activities occur within the original disturbance area, and also provided that cultural and biological surveys were completed for the project. Any planned surface disturbance outside of an original rangeland project impact area will require additional cultural and biological surveys and a signed NEPA document before actions will be authorized.
14. BLM range staff will work with and ensure that permittees locate salting/mineral stations at appropriate locations (such as existing, previously disturbed roads) to prevent or eliminate potential impacts to cultural resources.
15. During the 10-year term of the grazing permit, BLM will conduct cultural resource sampling inventories of un-surveyed stream reaches and springs in the allotment, including areas where livestock congregate. Locations where livestock congregate and which have high potential for cultural sites will be identified for inventory. The livestock congregation zones areas are often associated with water sources (such as springs), salt/mineral supplement stations, and low gradient riparian areas along stream reaches. Sampling inventories will be conducted opportunistically during other cultural inventories for rangeland project development, maintenance and site monitoring; and BLM will also seek to acquire additional funding for inventories.
16. The following condition will be incorporated in all grazing permits: Modifications may be made to the permit to protect historic properties under the National Historic Preservation Act.

17. Reports on the results of cultural resource monitoring and inventories will be prepared and provided to the Oregon SHPO and Tribes. Progress toward cultural resource inventory and monitoring will be assessed and reported in Baker Resource Management Plan updates.
18. New fences will be installed with proper wire spacing requirements necessary to allow safe passage of pronghorn, mule deer, and elk. All fences will be installed with wire stays to reduce incidence of entanglement and death. All fences will be installed with smooth wire bottom strand to reduce incidence of big game injury.
19. Wildlife escape ramps (also known as bird ladders) will be installed in all existing and proposed livestock water troughs to reduce incidence of small animal entrapment and drowning. Installation of escape ramps will be fully completed within 5 years after grazing decisions have been issued.
20. **Revised:** Spring and/or early summer livestock trailing, salting, and mineral supplements will be placed in a manner that will not overlap sage-grouse lek sites during the season of March 1 - May 15. During this period, livestock concentrations on lek areas will be avoided by the use of additional range riders and permittee livestock monitoring. This will prevent disturbance to ongoing breeding activity. Lek locations will be provided to permittees so compliance of this conservation measure will be recognized and enforced. BLM will also monitor leks to ensure compliance.
21. **Revised:** New livestock facilities (such as fence construction or development of water troughs) in sage-grouse breeding habitat will be avoided during the peak of strutting and nesting activities (March 1 - June 30) and will be located at least .6 of a mile away from established lek sites in accordance with "Greater Sage-Grouse Conservation Assessment and Strategy for Oregon: A Plan to Maintain and Enhance Population and Habitat" (Hagen 2005).
22. Noxious weed inventory, treatment, and monitoring will continue for all alternatives.
23. Actively seek funding through Clean Water and Watershed Restoration funding (CWWR) over the life of the grazing permit to fence all spring sources (developments) used for livestock watering facilities in Pritchard Creek and Lawrence Creek watersheds. All springs should have sources completely fenced to increase flow to streams, springs and wetlands, which will directly affect stream flow to fish-bearing Lawrence and Pritchard Creeks. Progress toward accomplishment of this will be reported in the Baker Resource Management Plan updates.
24. Make progress towards meeting all water quality parameters and standards that have a direct affect on fish habitat (temperature, sediment, dissolved oxygen, pH) in Pritchard and Lawrence Creeks.

25. In accordance with BLM regulations at 43 CFR 4110.3, periodic reviews are conducted of the permitted grazing use. Increases in permitted use would be made if supported by monitoring, field observations, ecological site inventory, or other data acceptable to the authorized officer, and if rangeland health standards, guidelines for livestock management, land use plan objectives, and activity plan objectives were being met.
26. Any additional forage determined to be available on a sustained yield basis would be used first toward restoring suspended AUMs of the permittees in the allotment. Priority for restoring suspended AUMs would go first to permittees in proportion to their contribution or stewardship efforts which resulted in increased forage production, and secondly to permittees in proportion to the amount of their permitted use.

Rationale for the Final Decision:

Renewal of the grazing permit is in conformance with the applicable Land Use Plans (LUP) because it is specifically provided for in the following LUP decisions:

- Baker Resource Management Plan (RMP) and its Record of Decision (ROD)/Rangeland Program Summary (July 1989)
- RMP Plan Updates (1991-1995, 1999,2000)
- Ironside EIS (RPS) (1981)

The Rangeland Health Standards and Guides assessment field work data, along with the Determinations and Recommendations documents and information analyzed to make resource decisions can be found summarized in the allotment evaluation and EA #OR-030-08-002.

Standards that are not being met due to current livestock grazing are labeled with an asterisk (*)

| Pasture Name | Standard 1 – Watershed function, uplands | Standard 2 – Watershed function, riparian | Standard 3 – ecological processes | Standard 4 – Water quality | Standard 5 – Native, T&E, or locally important issues |
|--------------|--|---|-----------------------------------|----------------------------|---|
| Holman | Not met* | Not met* | Not met* | Not met* | Plants – Not met* Animals - Met |
| Lawrence | Met | Not met* | Not met* | Not met* | Met |
| Upper | Not met (fire) | Not met* | Not met (fire) | Not met* | Plants - Not met* Animals - Met |
| White Rock | Met | Not met* | Not met* | Not met* | Plants – Not Met* Animals - Met |

As stated in these documents, all five standards above are not being met in the Pritchard Creek Allotment, and existing grazing management practices are significant factors in failing to achieve these standards. Therefore, action must be taken (mandated by 43 CFR 4180) that will result in significant progress toward fulfillment of the standards. Implementing alternative #4 would reduce

active AUM's by 27% on (3 of 4 permittees), changes in seasons of use, and the permittees will install riparian gap fences first to exclude livestock from moving into Lawrence and Pritchard creek riparian areas.

The spring/summer/fall period of use and number of livestock in this Allotment will be shortened by 15 head and 20 days. This would result in fewer days of intense use of riparian zones in hot weather, and give more days in the growing season for the riparian vegetation to recover following grazing. Further, utilization limits are set to help achieve proper functioning condition in riparian areas, and to conform with livestock grazing management guidelines to provide adequate cover and plant community structure to promote stream bank stability, debris and sediment capture, and floodwater energy dissipation. The utilization limits, also conform to guidelines that provide adequate cover (live plants, plant litter and residue) to promote infiltration, conserve soil moisture and to maintain soil stability in upland areas. The actions taken on the riparian area would result in significant progress toward fulfillment of these three upland standards. Range project maintenance is critical to help meet the utilization limits and improve livestock distribution.

Final Decision: (Proposed above revised to become the final decision).

Authority:

43 CFR 4130.2(a) states: "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans. Permits or lease shall specify the types and levels of use authorized, including livestock grazing, suspended use and conservation. These grazing permits and leases shall also specify terms and conditions pursuant to §§4130.3, 4130.3-1, 4130.3-2 and 4180.2(i)."

43 CFR 4130.2(d) states: "The term of the grazing permits or leases authorizing livestock on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless...."

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160.4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the Authorized Officer (given above and on the letterhead). The appellant must also serve a copy of the appeal by certified mail on the Office of the Solicitor, Pacific Northwest Region, 805 SW Broadway, Suite 600, Portland, Oregon 97205, and persons named [43 CFR 4.421(h)] in the "*Copies sent to*" section of this decision.

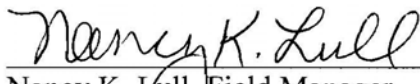
The appeal shall clearly and concisely state the reasons why the appellant thinks the final decision is in error, and otherwise comply with provisions of 43 CFR 4.470.

If you wish to file a petition for a stay, see 43 CFR 4.471(a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

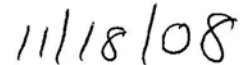
- (1) Relative harm to the parties if the stay is granted or denied.
- (2) Likelihood of the appellant's success on the merits.
- (3) Likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed, together with the appeal, in the office of the Authorized Officer and served in accordance with 43 CFR 4.473. Any person named in this decision who receives a copy of a petition for a stay and/or an appeal, and who wishes to respond to such stay and/or appeal, should follow procedures in 43 CFR 4.472(b).

If you have any questions, contact Todd Kuck or me at (541) 523-1256.



Nancy K. Lull, Field Manager
Baker Resource Area



Date

1 Attachment

1 – Pritchard Creek Geographic Unit Grazing Permit Renewal Environmental
Assessment (EA) #OR-030-08-002 and Finding of No Significant Impact (FONSI)

Copies sent to: Confederated Tribes of the Umatilla Indian Reservation
Hells Canyon Preservation Council
ODFW
Permittees K, T, J